

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL P. MCWILLIAMS,

Plaintiff,

-v-

5:23-CV-728

PAUL A. SANDY *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

MICHAEL P. MCWILLIAMS

Plaintiff, Pro Se

98 Flandreau Avenue

New Rochelle, NY 10804

DAVID N. HURD

United States District Judge

ORDER ON REPORT & RECOMMENDATION

On September 1, 2023, *pro se* plaintiff Michael P. McWilliams (“plaintiff”) initially filed this civil action in the U.S. District Court for the Southern District of New York. Dkt. No. 1. Along with his complaint, plaintiff sought leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2. But the case was transferred to this judicial district because it involved events that occurred in Cortland County. Dkt. Nos. 3, 6. Thereafter, U.S. Magistrate

Judge Miroslav Lovric denied plaintiff's IFP Application and directed him to pay the filing fee within thirty days. Dkt. No. 9.

On December 15, 2023, well over thirty days later, Judge Lovric advised by Report & Recommendation ("R&R") that plaintiff's complaint be dismissed without prejudice because plaintiff had failed to pay the filing fee. Dkt. No. 10. Plaintiff still has not paid. Nor has he filed objections, which were due by December 29, 2023. *See* Dkt. No. 10.

Upon review for clear error, the R&R is accepted and will be adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

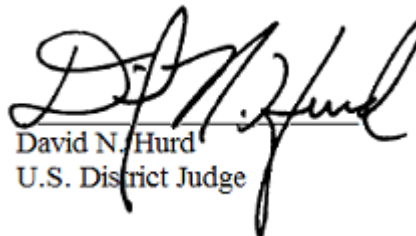
ORDERED that

1. The Report & Recommendation (Dkt. No. 10) is ACCEPTED; and
2. Plaintiff's complaint (Dkt. No. 1) is DISMISSED.

The Clerk of the Court is directed to terminate the pending motion and close the file.

IT IS SO ORDERED.

Dated: January 10, 2024
Utica, New York.



David N. Hurd
U.S. District Judge